

**TO THE HONORABLE COURT AND ALL PARTIES AND THEIR
ATTORNEYS OF RECORD, IF ANY:**

COMES NOW, the Plaintiffs Victoria A. Amelina, an individual (“Amelina”); and A.A.; D. S and B.S., each individuals and minors by and through their Guardian Ad Litem, Victoria A. Amelina (collectively “the Minors”) (alternatively all collectively “Plaintiffs”), Defendant Manufacturers and Trader Trust Company aka M&T Bank (“M&T”), and Defendant Safeguard Properties, LLC, (“Safeguard”) by and through their respective counsel of record, and pursuant to Local Rule 7.2, jointly move this court for a continuance of the telephonic Early Neutral Evaluation and Case Management Conference, based upon the following stipulation and agreement between the parties, and with reference to the following facts:

1. On August 4, 2016, pursuant to Order of the court, this court set a telephonic Early Neutral Evaluation and Case Management Conference for September 2, 2016 at 9:30 a.m. before Magistrate Judge Nita L. Stormes.

2. Further pursuant to that Order, this court required the parties to comply with Federal Rule of Civil Procedure 26 and lodge a Joint Discovery Plan with Judge Stormes on or before August 25, 2016.

3. On August 4, 2016, all counsel communicated regarding the above dates, and agreed to stipulate to a requested continuance of the Early Neutral Evaluation and Case Management Conference, as is convenient for the court, between the dates of October 7, 2016 and October 21, 2016 for the following reasons:

a. Plaintiffs’ counsel is currently on maternity leave, returning to work on approximately September 30, 2016;

b. Defendant M&T’s counsel is out of the office for a non-refundable, pre-paid vacation beginning on August 31, 2016 and returning September 12; and

c. Defendant Safeguard’s counsel is out of the office for a non-

1 refundable, pre-paid 15th wedding anniversary vacation, beginning October 25,
2 2016 and returning November 7, 2016.

3 4. There have been no previous requests for continuance, and the parties
4 jointly submit that, as shown above, good cause exists for the agreed upon
5 requested continuance.

6 5. In addition to the above requested continuance, the parties mutually
7 agree and respectfully request that the court continue the date for the parties to
8 lodge a Joint Discovery Plan consistent with the continued date for the Early
9 Neutral Evaluation and Case Management Conference.

10 WHEREFORE, it is hereby agreed and stipulated to that the parties
11 mutually request the court continue the Early Neutral Evaluation and Case
12 Management Conference to a date convenient to the court between October 7,
13 2016 and October 21, 2016 and that the court continue the date for the parties to
14 lodge their Joint Discovery Plan consistent with that continued date.

15 Respectfully submitted,

16 HYDE & SWIGART

17
18 Dated: August 5, 2016

By: /s/ Jessica R.K. Dorman

Jessica R. K. Dorman, Esq.

Joshua B. Swigart, Esq.

Attorneys for Plaintiffs,

Victoria A. Amelina, A.A.; D. S and B.S.,

22
23 WRIGHT, FINLAY & ZAK, LLP

24 Dated: August 5, 2016

By: /s/ Patricia L. Penny

Robin P. Wright, Esq.

Patricia L. Penny, Esq.

Attorneys for Defendant,

MANUFACTURERS AND TRADERS

TRUST COMPANY aka M&T BANK

1 Dated: August 5, 2016

GORDON & REES, LLP

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3 By: /s/ Kimberly D. Howatt
4 Kimberly D. Howatt, Esq.
5 Attorneys for Defendant, SAFEGUARD
6 PROPERTIES, LLC
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PROOF OF SERVICE

I, I.Brown, declare as follows:

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 200, Newport Beach, California 92660. I am readily familiar with the practices of Wright, Finlay & Zak, LLP, for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

On August 5, 2016, I served the within **JOINT MOTION AND STIPULATION RE: CONTINUANCE OF EARLY NEUTRAL CONFERENCE** on all interested parties in this action as follows:

[] by placing [] the original [] a true copy thereof enclosed in sealed envelope(s) addressed as follows:

[SEE ATTACHED SERVICE LIST]

☒ (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(b)(2)(E). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(b)(2)(E). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

☒ (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 5, 2016, at Newport Beach, California.



I.Brown

SERVICE LIST

Amelina v. Manufacturers and Traders
U.S.D.C.-S.D. Case No. 3:14-cv-01906-WQH-NLS

Jessica R. K. Dorman, Esq. Robert L. Hyde, Esq. HYDE & SWIGART 2221 Camino Del Rio South, Suite 101 San Diego, CA 92108 Tele: (619) 233-7770 Fax: (619) 297-1022 Email: jessica@westcoastlitigation.com Email: bob@westcoastlitigation.com	Attorney for Plaintiffs, Victoria A. Amelina, etc., et al.
Abbas Kazerounian, Esq. Kazerouni Law Group, APC 245 Fischer Avenue, Suite D1 Costa Mesa, CA 92626 Tele: (800) 400-6808 Fax: (800) 520-5523 Email: ak@kazlg.com	Attorneys for Plaintiffs, Victoria A. Amelina, etc., et al.
Roger M. Mansukhani, Esq. Kimberly D. Howatt, Esq. Joni M. Borzcik, Esq. GORDON & REES LLP 101 W. Broadway, Suite 2000 San Diego, CA 92101 Tele: (619) 696-6700 Fax: (619) 696-7124 Email: rmansukhani@gordonrees.com Email: khowatt@gordonrees.com Email: jborzcik@gordonrees.com	Attorneys for Defendant, Safeguard Properties, LLC